

Nos. 23-3142 & 23-3355

United States Court of Appeals

for the

Ninth Circuit

STONE BREWING CO., LLC,

Plaintiff-Appellee,

- v. -

MILLERCOORS, LLC,

Defendant-Appellant

On Appeal from the United States District Court
For the Southern District of California
Case No. 3:18-cv-331-BEN (Hon. Roger T. Benitez)

MOTION TO DISMISS CROSS-APPEAL

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MOTION TO DISMISS CROSS-APPEAL PURSUANT TO FRAP 42(B)

Pursuant to Federal Rule of Appellate Procedure 42(b), Plaintiff/Appellee Stone Brewing Co., LLC (“Stone”) states that it does not intend to pursue Cross-Appeal No. 23-3355 and hereby moves the Court for an order dismissing it without prejudice and without costs to either party. Stone is concurrently filing an Answering Brief that does not address the cross-appeal and complies with the length limitations of Circuit Rule 32-1.

Dated: May 15, 2024

Respectfully Submitted,

BRAUNHAGEY & BORDEN LLP

By: /s/ J. Noah Hagey
J. Noah Hagey

*Attorneys for Plaintiff/Appellee
Stone Brewing Co., LLC*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion to Dismiss Cross-Appeal for Appellee with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: May 15, 2024

/s/ J. Noah Hagey _____
J. Noah Hagey